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fraudulent conveyances; yet a lawyer is compelled when a case comes before him to have in mind all the principles which may affect his client's right of realizing his claim from the assets of his debtor.

Not only is the plan of the book a good one, but the execution is in many respects commendable. The author is evidently practically familiar with the subject of which he treats in its most modern applications. He is not content merely to repeat the statements of eminent judges; he has sought to distil in his own mind definite results from a multitude of authorities. An author who attempts to do this is perhaps quite as likely as another to make slips, and Mr. Glenn's book is not free from them.

The size of the book prohibits an attempt to be exhaustive in the citation of authorities, and as the decisions selected for citation are generally well chosen, it is not a fair ground of criticism that numerous other cases might also have been cited. There are, however, statements which the author makes without qualification, as everywhere true, which in fact do not find universal acceptance, e.g., "In every State, statutes make a judgment a lien upon the debtor's land from the moment of the proper entry of the judgment" (page 60). This is not true in the New England States. "In all of our States are statutes requiring the registration of (a) chattel mortgages, where, as is generally the case, possession of the mortgaged property is not delivered to the mortgagee, and (b) contracts of conditional sale, where, as is always the case, that being part of the bargain, possession of the stipulated chattels is delivered to the vendee" (page 164). In Pennsylvania there is no such statute as to chattel mortgages, and in a number of States there is no such statute in regard to conditional sales. On page 231 the author assumes that a trustee under a general assignment nowhere has power to attack a fraudulent conveyance of his assignor, but in some jurisdictions he is allowed to do so.

Other slips of the author which we have noticed are the following: The well-known case of *Edwards v. Harben*, 2 T. R. 587, which the author criticizes more than once, he regards as involving a conditional sale with possession in the grantee. In fact, the bill of sale referred to in the case was given as a chattel mortgage (generally called in England a conditional bill of sale). Possession was in the mortgagor or grantor. On page 154 one might infer from the author's language that an unpaid vendor could reclaim goods sold and delivered. The essential requirement of fraud he inadvertently fails to state.

In his discussion of the English law of the present day on mortgages of after-acquired property he assumes that the well-known case of *Holroyd v. Marshall*, 10 H. L. C. 191, is still law in England; whereas the English law was long since changed by statute. On page 344, speaking of the Bankruptcy Act, as amended in 1910, he inadvertently states that to make a preference voidable, the preferred creditor must have had reasonable cause to believe that the preference was "intended" instead of would be effected.

In the discussion on pages 399 and following, there seems some confusion between unmaturing and contingent claims. That there is doubt in regard to the provability of any unmaturing debt absolutely owing, cannot be admitted.

On some points also which are open to difference of opinion, we should not agree with the author's conclusions, but throughout, the book is helpful and based on original and thoughtful work.

S. W.

THE INDIVIDUAL DELINQUENT. By William Healy. Boston: Little, Brown, and Company, 1915. pp. xvi, 830.

This remarkable work is perhaps the first great expression of the new epoch upon which criminology is now entering. It is also a culmination. Like so many other modern sciences, criminology has undergone a bewilderingly

rapid development since the day when Lombroso first deflected attention from "crime" to "the criminal." It was not long before Lombroso's dramatic abstraction was divided into *classes* of criminals. These divisions were effected along anthropological, biological, ethical, or psychological lines, according to the background from which the classifier approached his task. Professor Healy makes no such classification, but, as the title of his book implies, concentrates attention on the *individual* delinquent. In this study, which has involved the most painstaking investigation into hundreds of cases, he has brought to bear the knowledge and equipment of all the several related sciences. The investigation consists of a thorough inquiry into the history of the offender's family, his development, his environment, and an examination as to his physical and mental condition. The latter consists largely in the tests used for the feeble-minded which already show a promising development through adaptation to more complex and varied individuals. With the complete record before him, Professor Healy then isolates the causes of the delinquency.

It is in this last process that the book is a great step in advance of the earlier works, which contented themselves with a tabulation of the frequency of certain conditions among criminals. It was the older method that gave rise to such one-word theories of crime, as epilepsy, poverty, or impacted teeth. By sifting out the *causative* factors alone, however, and tabulating them, Professor Healy has given us a sounder basis for generalization. Also, by confining most of his attention to the juvenile offenders, he has got very close to the beginnings of crime. Among the many interesting things that Professor Healy's figures tend to show is that there is no inheritance of a criminal instinct. Mental defects, however, are inherited in great numbers of cases, and it is this inheritance, coupled with defective environment, that is a great source of crime. The author has given us a great pioneer book on the genetics of crime, and it is to such work that society must look for guidance in its endeavor to stop crime at the source.

Furthermore, by carefully selecting the causative factors in each individual delinquent, it then becomes possible to recommend a rational mode of treatment, either with a view to curing the delinquency, or to protecting society against the incurables. Indeed, as a psychiatrist, Professor Healy is chiefly interested in this opportunity. Such work should be made part of every criminal court in the land. It is perhaps difficult to bring it into harmony with the common-law method of conducting a legal duel between the offender and a heavily handicapped State, — the penalty of losing having been more or less irrationally determined beforehand. Certainly, in theory at least, the methods of Professor Healy have no place in a system born of a mediæval need of public peace and security, and reared in a dread of all magisterial discretion. But the criminal law has grudgingly made room for a little science in the case of juveniles and prisoners suspected of mental aberration, and has allowed some individualization through the indeterminate and cumulative sentences. However, wholehearted coöperation has not yet come, and in the old system the new method must remain a juristic misfit. A fresh start in the theories of the criminal law is badly needed. But since it is obviously impossible to legislate a new mode of thinking, the change can only come by bringing the legal profession in touch with criminal science. The course in Penology at Harvard is a splendid, if belated, start. Were such courses more general, there is little doubt that the common law, by reason of its remarkable fecundity for legalistic white lies, could again extend itself to meet modern needs.